
Z-2478
SUSAN PRYOR HODGES
R1 to A

STAFF REPORT
December 15, 2011

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner who is part owner and with consent from the other owner, is requesting rezoning of 3.526 acres of a larger tract (a portion of the property is in the Flood Plain which cannot be rezoned) for an existing horse riding stable and single family home. The property is located at the end of Ridgefield Court, off of CR 400 W, accessed through Moss Creek Subdivision, more specifically 4088 Ridgefield Court, Wabash 9 (NE) 23-5.

ZONING HISTORY AND AREA ZONING PATTERNS:

This property is currently zoned R1 and FP. Moss Creek Subdivision was rezoned from A (Agriculture) to R1 in 1984. The 3.5 acres in this request was certified out of the Flood Plain in 1993. Per UZO 2-27-17(e) "an area of land removed from an FP zone through the [certification process] shall take on the zoning of adjacent areas on the zoning map." When the land was certified out of the flood plain, it took on the adjacent R1 zoning. A permit was issued in 1993 for a 36' x 40' horse barn. In 1994 a permit was issued for a single family home. In 2001 another permit was issued for a 125' x 60' pole building with an arena originally built for personal use.

The surrounding land to the north and south is zoned A and land to the west is zoned FP. Further west across Indian Creek the land is zoned A.

AREA LAND USE PATTERNS:

The area being rezoned is occupied by a single family home, a detached garage, and two barns. This area of the county is characterized by wooded large lot single family homes.

Adjacent to the east is Moss Creek Subdivision which consists of 21 single family homes. To the north is Carriage Estate Subdivision. Northwest of the site is an American Suburban Treatment plant.

TRAFFIC AND TRANSPORTATION:

Sole access to the site is derived off of CR 400W through the Moss Creek Subdivision. Parking for training and boarding horses is 1 space per 4 stalls.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

American Suburban has confirmed the site is served by sewer.

STAFF COMMENTS:

According to County Building Permit office records this home was built in 1994. The large pole barn, which houses a riding arena, was constructed in 2001.

0752 Boarding and/or training horses- permitted in R1 and A
0799 Riding Stables- permitted in A by special exception

Boarding and training horses is permitted by right in the R1 zone. However, membership riding clubs (SIC 7997) and riding stables (SIC 7999) are *not* permitted in R1, but are permitted in the A zone by special exception. Additional development standards for this use must be met during the special exception process.

Petitioner has indicated to staff that the existing pole barn serves as a riding stable for horses owned by others and her own. This use is ***not*** permitted by right in the R1 zone. Petitioner's intention is to sell the property and wants to market the site as a location for a potential riding stable; a special exception petition must be approved by the ABZA in order for any future owner to operate a riding stable open to the public. The Board may approve or deny this request and can impose commitments and/or conditions on its approval. Because special exceptions are site plan specific, a riding stable must adhere to the approved site plan with regard to location and number of existing buildings, hours of operation, noise production, traffic generation, and location of outdoor lighting.

At first glance, the Agricultural zone at this location doesn't seem incompatible with surrounding large-lot residential use. However, all types of farm animals are permitted by right in the A zone up until they are considered a Confined Feeding Operation—up to 299 cattle, 29,999 chickens and 599 pigs or sheep, a land use that has the potential to be intrusive to neighboring uses.

Any owner of this site can utilize the existing barns for personal horses. Additionally, an owner can keep any number of their own or other person's horses for boarding or training. Because the property is on sewer and rezoning the property to A would allow for more incompatible uses by right staff can find no compelling reason to support a reclassification of this property to the A zone.

STAFF RECOMMENDATION:

Denial